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10/782,712	02/18/2004	Clifton Cook	LOWM110	5586

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EXAMINER

OLSON, MARGARET LINNEA

ART UNIT	PAPER NUMBER
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3782

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	04/09/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

10/782,712

Applicant(s)

COOK, CLIFTON

Examiner

Margaret L. Olson

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 18 February 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-21 is/are pending in the application.
- 4a) Of the above claim(s) 21 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-15, 17, 19 and 20 is/are rejected.
- 7) ☐ Claim(s) 16, 18 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 19 July 2004 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Drawings

1. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the outer belt connected to the ergonomic belt of claim 3 must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

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2. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, an outer belt with a plurality of attachment devices on it as in claim 6 must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

3. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the inner surface of the ergonomic belt configured to allow varied removable attachment of a variety of padded

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devices therefrom as in claim 11 must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

4. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the combination of a horizontal track attachment system and vertical plates as in claim 18 must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended

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replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

5. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(4) because reference characters "100" and "110" (page 20) and "162" (page 23) have both been used to designate the ergonomic duty belt. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner,

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the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

6. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(4) because reference character "100" has been used to designate both an ergonomic duty belt and a liner belt (page 23). Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

7. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(4) because reference character "106" has been used to designate both a body and some portion of the belt (figure 5). Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be

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notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

8. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they do not include the following reference sign(s) mentioned in the description: 240, 232, 200, 210, 220, 110, 146, 148, 256, 182, 172. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

9. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they include the following reference character(s) not mentioned in the description: 176, 178, 130, 150. Corrected drawing sheets in compliance with 37 CFR 1.121(d), or amendment to the specification to add the reference character(s) in the description in compliance with 37 CFR 1.121(b) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet"

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or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

10. New corrected drawings in compliance with 37 CFR 1.121(d) are required in this application because figure 7, 12, 13, and 14 have no reference labels at all and can not be correlated with the specification or with the rest of the invention. Applicant is advised to employ the services of a competent patent draftsman outside the Office, as the U.S. Patent and Trademark Office no longer prepares new drawings. The corrected drawings are required in reply to the Office action to avoid abandonment of the application. The requirement for corrected drawings will not be held in abeyance.

Specification

11. The disclosure is objected to because of the following informalities: on page 7, in paragraph 14, line 9-10, "allows accessory to be slide into" should be "allows an accessory to slide into".

Appropriate correction is required.

12. The disclosure is objected to because of the following informalities: on page 7, in paragraph 14, line 10, "screw, know, or" is a typo.

Appropriate correction is required.

13. The disclosure is objected to because of the following informalities: in paragraph 22, figure 5 is described as having an officer in dotted outline, when it does not.

Appropriate correction is required.

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14. The disclosure is objected to because of the following informalities: in paragraph 23, figure 6 does not depict the duty belt of figure 5, or a liner belt.

Appropriate correction is required.

15. The disclosure is objected to because of the following informalities: in paragraph 27, figure 10 is described as the top view of the device shown in figure 10, which is self-referential.

Appropriate correction is required.

16. The disclosure is objected to because of the following informalities: in paragraph 31, figure 14 does not show a slotted connection device or vertical plates.

Appropriate correction is required.

17. The disclosure is objected to because of the following informalities: in paragraph 50, line 9, hook and loop fastener is described as a "circumvolving material", though it does not revolve.

Appropriate correction is required.

18. The disclosure is objected to because of the following informalities: in paragraph 56, line 1, "In one" should be "in one".

Appropriate correction is required.

19. The use of the trademark "VELCRO" has been noted in this application. It should be capitalized wherever it appears and be accompanied by the generic terminology.

Although the use of trademarks is permissible in patent applications, the proprietary nature of the marks should be respected and every effort made to prevent their use in any manner which might adversely affect their validity as trademarks.

Claim Objections

20. Claims 6-10 are objected to because of the following informalities: in each of their first lines, the phrase "said attachment retaining system" should be "said accessory retainment system". Appropriate correction is required.

21. Claim 8 is objected to because of the following informalities: in lines 2-3, "ergonomic utility belt" should read "ergonomic duty belt". Appropriate correction is required.

22. Claim 10 objected to under 37 CFR 1.75(c), as being of improper dependent form for failing to further limit the subject matter of a previous claim. Applicant is required to cancel the claim(s), or amend the claim(s) to place the claim(s) in proper dependent form, or rewrite the claim(s) in independent form. Claim 10 depends from claim 8, but does not contain any claim limitations not found in claim 8.

23. Claim 13 is objected to because of the following informalities: in lines 3-4, "allow an accessory device having a tenon in a desired position and orientation upon said duty belt" should be "allow an accessory device having a tenon to be placed in a desired position and orientation upon said duty belt".

Appropriate correction is required.

24. Claim 20 is objected to because of the following informalities: in line 6, "pliable outer covering said" should be "pliable outer covering covering".

Appropriate correction is required

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25. Claim 21 is objected to because of the following informalities: in line 2, "comprises the ergonomic duty belt...further comprises at least" should be "comprises at least".

Appropriate correction is required.

Claim Rejections - 35 USC § 112

26. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

27. Claims 1-19 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. It is not clear from the claims, drawings, and specification how the ergonomic belt, ergonomic duty belt, duty belt, outer belt, inner belt, and liner belt are related to each other. In some cases these terms appear interchangeable, and it is not clear to what extent one belt may be any of the other named belts, rendering the scope of the claims indefinite.

28. Claim 11 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. It is not clear from the claims, drawings, or specification how a variety of padded devices may be removably attached to the inner surface of the ergonomic duty belt.

29. Claim 17 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant

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regards as the invention. It is not clear from the claims or the specification what the requirements of a standardized rail system configuration are.

30. Claim 21 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. It is impossible to ascertain whether claim 21 depends from claim 20 or claim 1. Claim 21 has not been treated further on the merits.

Claim Rejections - 35 USC § 102

31. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

32. Claims 1, 4, 5, and 11 are rejected under 35 U.S.C. 102(e) as being anticipated by Thompson et al. (US 6,634,533). Thompson et al. disclose an ergonomic duty belt 100 for carrying accessories with a pliable outer covering 250, a semi-rigid frame member 200 (column 4, lines 32-42) inside the pliable outer covering, and an accessory retainment system 90 (column 3, lines 6-8; figure 1). The ergonomic duty belt forms a semi-conical section around the waist of a user, since its top edge has a smaller circumference than its bottom edge (column 4, lines 25-32), and can hold a variety of accessories with bag 90.

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With respect to claim 4, the ergonomic duty belt has multiple foam layers 260, 261 with foams of different densities (figure 4; column 5, lines 28-39).

With respect to claim 5, the frame is narrower over a user's hip region and wider at the small of the back and waist (figure 2, figure 3).

With respect to claim 11, the inner surface 122 is configured to allow varied removable attachment of a variety of devices with a hook-and-loop fastener (column 3, lines 32-35).

33. Claims 12, 13, 14, 15, 17, and 19 are rejected under 35 U.S.C. 102(b) as being anticipated by Guiboard (US 6,701,534). Guiboard discloses a connection system for allowing connection of a variety of accessories to a duty belt with a plurality of vertically disposed plates 60/66 connected to a duty belt that define spaces in between (figure 5) where the plates and spaces are configured to receive and hold a compatible configured attachment device on the duty belt (figure 5; column 3, lines 40-46).

With respect to claim 13 to the extent that it is understood, the vertically oriented plates are configured to receive a tenon 75 within a space defined by the plates 66 (figure 4). The tenon has a tab that interacts with the plates to secure the tenon to the duty belt (tab shown touching plate at 68).

With respect to claim 14, there is a slotted attachment device 70 having a body 72 defining a slot area between 72 and 75). The slot area is configured to receive a portion of the plates 66 at 68 and an accessory 73 attached to the slotted attachment can be removably attached to the duty belt.

With respect to claim 15, the vertically disposed plates 66 define grooves 69 and the slotted attachment devices 70 have a tab 75 configured to be inserted into at least one of the grooves 69 to hold the device on the plates.

With respect to claim 17, the vertical plates may meet the requirements of a standard rail system configuration (column 1, lines 35-37).

With respect to claim 19, quantities of the vertical plates 60/66 are connected to a base plate 30 and the base plate 30 is connected to a duty belt 50 (figure 1; figure 2).

Claim Rejections - 35 USC § 103

34. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

35. Claims 2 and 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Thompson et al. (US 6,634,533) in view of Rogers (US 5,722,576). Thompson et al. discloses the structure of claim 1, but does not disclose a detachable inner belt that goes through belt loops. Rogers discloses a duty belt with a detachable inner belt 11 that may fit through the belt loops (column 2, lines 33-42). It would have been obvious to one of ordinary skill in the art at the time of invention to attach an inner belt to the ergonomic duty belt of Thompson et al. in order to more securely fasten the ergonomic belt to the user.

With respect to claim 9, Thompson et al. discloses the structure of claim 1, but does not disclose an attachment system with a horizontal track. Rogers teaches an attachment system for a duty belt with a horizontal track 13 configured to receive a correspondingly configured tenon 25/26 attached to a tool-carrying device 22 (figure 1; figure 4). It would have been obvious to one of ordinary skill in the art at the time of invention to include a horizontal track for attaching items to the duty belt of Thompson in order to carry a greater number of items on the belt.

36. Claims 3 and 6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Thompson et al. (US 6,634,533) in view of Eddy (US 5,464,136). Thompson et al. discloses the structure of claim 1, but does not disclose an outer belt that attaches to the ergonomic belt. Eddy teaches an ergonomic belt 12 with an outer belt 100. It would have been obvious to one of ordinary skill in the art at the time of invention to include an outer belt on the ergonomic belt of Thompson et al. in order to attach more items to the belt structure.

With respect to claim 6, Thompson et al. discloses the structure of claim 1, but does not disclose an outer belt that attaches to the ergonomic belt. Eddy teaches the attachment retaining system has a strip of attachment material 128 and a loop of material 28 that connect and hold an outer belt to the ergonomic belt. The outer belt 100 has a plurality of attachment devices (figure 1).

37. Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Thompson et al. (US 6,634,533) in view of Eddy (US 5,464,136) as applied to claim 6, and further in view of Guiboard (US 6,701,534). Thompson as modified discloses the

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structure of claim 6, but does not disclose an attachment system of vertically oriented plates along the outer surface of the outer belt. Guiboard teaches an attachment retaining system with a plurality of vertically disposed plates 60/66 configured to receive and hold compatible configured attachment devices on the duty belt (figure 5; column 3, lines 40-46). It would have been obvious to one of ordinary skill in the art to use the attachment plates of Guiboard as the attachment system on the outside of the outer belt of Thompson et al. modified in order to easily attach and detach accessories to the belt structure.

38. Claims 8 and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Thompson et al. (US 6,634,533) in view of Guiboard (US 6,701,534). Thompson discloses the structure of claim 1, but does not disclose an attachment system of vertically oriented plates along the outer surface of the ergonomic belt. Guiboard teaches an attachment retaining system with a plurality of vertically disposed plates 60/66 configured to receive and hold compatible configured attachment devices on the duty belt (figure 5; column 3, lines 40-46). It would have been obvious to one of ordinary skill in the art to use the attachment plates of Guiboard as the attachment system on the outside of the ergonomic belt of Thompson et al. in order to easily attach and detach accessories to the belt structure.

With respect to claim 10, Thompson discloses the structure of claim 1, but does not disclose an attachment system of vertically oriented plates along the outer surface of the ergonomic belt. Guiboard teaches an attachment retaining system with a plurality of vertically disposed plates 60/66 configured to receive and hold compatible configured

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attachment devices on the duty belt (figure 5; column 3, lines 40-46). It would have been obvious to one of ordinary skill in the art to use the attachment plates of Guiboard as the attachment system on the outside of the ergonomic belt of Thompson et al. in order to easily attach and detach accessories to the belt structure.

39. Claim 20 is rejected under 35 U.S.C. 103(a) as being unpatentable over Thompson et al. (US 6,634,533) in view of Guiboard (US 6,701,534) and further in view of Rogers (US 5,722,576). Thompson et al. disclose an ergonomic duty belt 100 with a pliable outer covering 250, a semi-rigid frame member 200 matching the contours of a user's body (column 4, lines 32-42) inside the pliable outer covering, and an accessory retainment system 90 (column 3, lines 6-8; figure 1). The ergonomic duty belt forms a semi-conical section around the waist of a user, since its top edge has a smaller circumference than its bottom edge (column 4, lines 25-32), and can hold a variety of accessories with bag 90. It has multiple foam layers 260, 261 with foams of different densities (figure 4; column 5, lines 28-39). Thompson et al. does not disclose an attachment system of vertically oriented plates along the outer surface of the ergonomic belt. Guiboard teaches an attachment retaining system with a plurality of vertically disposed plates 60/66 configured to receive and hold compatible configured attachment devices on the duty belt (figure 5; column 3, lines 40-46). It would have been obvious to one of ordinary skill in the art to use the attachment plates of Guiboard as the attachment system on the outside of the ergonomic belt of Thompson et al. in order to easily attach and detach accessories to the belt structure. Thompson et al. as modified by Guiboard does not disclose an inner belt that goes through belt loops. Rogers

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discloses a duty belt with a detachable inner belt 11 that may fit through the belt loops (column 2, lines 33-42). It would have been obvious to one of ordinary skill in the art at the time of invention to attach an inner belt to the ergonomic duty belt of Thompson et al. as modified in order to more securely fasten the ergonomic belt to the user.

Allowable Subject Matter

40. Claim 16 and 18 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

Conclusion

41. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Robinson et al. (US 5,236,112), Trumpower (US 4,747,527), Votel et al. (5,040,524), Buckley (US 6,193,122), and Righton (US 775,149).

42. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Margaret L. Olson whose telephone number is (571) 272-9002. The examiner can normally be reached on MTWR, 8-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nathan Newhouse can be reached on (571) 272-4544. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

mlo


NATHAN J. NEWHOUSE
SUPERVISORY PATENT EXAMINER